



PATENT APPLICATION

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JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No.: 29997/035A

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

**Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the following application:

Application

Application Serial No: 09/764,609
Filed on: January 17, 2001
Inventors: Malackowski et al.
Title: SURGERY SYSTEM
Art Unit: 3739
Examiner: John P. Leubecker
Attorney Docket No.: 29997/035A

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this Request for Continued Examination (RCE) is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on May 20, 2004.



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Reg. No. 25,626

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Submission required under 37 C.F.R. §1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on April 5, 2004 (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
 - iii. Other
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
- b. **IF AN EXTENSION OF TIME IS REQUIRED IN THIS APPLICATION OR ANY PARENT APPLICATION, PLEASE CONSIDER THIS AS A REQUEST THEREFOR (1-Month Extension of Time Enclosed Herewith).**
- c. Other

3. Fees

- a. The Commissioner is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-1309:
 - i. RCE fee required under 37 C.F.R. §1.17(e)
 - ii. Extension of time fee 37 C.F.R. §§ 1.136 and 1.17(a)
 - iii. Other
 - iv. Any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 or under other applicable rules (except payment of issue fees), to Deposit Account No. 50-1903. A copy of this Transmittal is enclosed.
- b. Check in the amount of \$ 770.00 enclosed.



Please direct all future communications to McCracken & Frank LLP, at the address below.

Respectfully submitted,

McCracken & Frank LLP

By: 

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May 20, 2004

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